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Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Palestinian refugees in Jordan

The Palestinian Return Centre is deeply concerned with the situation of Palestinian refugees in Jordan specifically those without Jordanian citizenship, and would like to bring to the Council's attention the human rights abuses and hardships endured by this community.

According to UNRWA's records as of 2016, there are 2,175,491 registered Palestinian refugees in Jordan.1 Of these, the majority have a Jordanian National ID number, 158,000 are Gazan refugees holding temporary-two year passports without a National ID number2 and nearly 17,000 are Palestinian Refugees from Syria (PRS) with Syrian travel documents.3 The living situations of Palestinian refugees are deteriorating as UNRWA's Social Safety Net Programme providing quarterly assistance to the abject poor4 is being implemented sporadically,5 and the Jordanian government is raising the prices of all essential goods, including basic food commodities, electricity, medication and fuel. While the situation of Palestinian refugees in Jordan is better than in other UNRWA operation areas given that a large number of them hold Jordanian citizenship.

Palestinian Children of Jordanian Mothers

The most recent available data from 2014 indicates that 52,660 Jordanian women were married to Palestinian men.[6] These women are unable to transfer their citizenship to their foreign offspring given Jordan's patrilinial nationality law that is discriminatory according to gender. Article 3 of law No.6 of 1954 on Nationality clearly states: that 'any person whose father holds Jordanian nationality'[7] is deemed to be a Jordanian national, Article 9 re-emphasises this by stating 'the children of a Jordanian man shall be Jordanian wherever they are born.'[8] The usage of the words 'father' and 'man' excludes Jordanian women's ability to exercise their rights as citizens when it comes to their offspring. This law not only contravenes the Jordanian constitution itself which calls for an elimination of discrimination, but it also goes against Jordan's international human rights obligations.

The right to citizenship and nationality is highlighted in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),[9] Article 9:

1. States parties shall grant women equal rights with men to acquire, change or retain their nationality
2. States parties shall grant women equal rights with men with respect to the nationality of their children.[10]

The children of these Jordanian women married to Palestinian men are immensely vulnerable to human rights violations, exploitation and abuse. Although the Government of Jordan has tried to mitigate these negative effects by issuing a 'Children of Jordanian Mothers Benefit Card,' the reality on the ground proves that these cards have been futile in reducing the obstacles Palestinian and other foreign children of Jordanian women face.1112 The card was

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1 "Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

2 "Protection in Jordan." UNRWA. March 2018. accessed March 12, 2018. https://www.unrwa.org/activity/protection-jordan.

3 Amin, K. (2017). *Health & Status of Palestine Refugees from Syria In Jordan: Situational Analysis*. John Snow Inc. (JSI).

4 "Social Safety Net Programme." UNRWA. Accessed May 22, 2018. https://www.unrwa.org/what-we-do/social-safety-net-programme.

5 Interview with Palestinian Refugees from Gaza in Jordan. No public announcement has been made regarding this issue.

6 "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. P. 19 https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

7 *Law No. 6 of 1954 on Nationality (last amended 1987)*, 1 January 1954, available at: http://www.refworld.org/docid/3ae6b4ea13.html

8 Law *No. 6 of 1954 on Nationality (last amended 1987)*, 1 January 1954, available at: http://www.refworld.org/docid/3ae6b4ea13.html

9 Ratified by Jordan in 1992

10 UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: http://www.refworld.org/docid/3ae6b3970.html [accessed 1 March 2018]

11 "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

supposed to provide its holders with: the right to own, the right to invest, the right to attend public schools and universities for the national fees, the right to access healthcare services, the right to obtain a service driving license, as well as the right to join the civil service.13 As for labour rights, these individuals will be given 'second priority after Jordanian citizens in all professions, including ones they were not allowed to work previously, and they will be exempted of any work permit fees.'14 However, based on submissions by different NGOs to the Committee on the Elimination of Discrimination against Women's discussion on Jordan at its 66th session from 13 February – 3 March 2017, many of the rights promised were never actualised.15 Children of Jordanian women who are Palestinian refugees holding temporary two-year passports, specifically those originally from Gaza are still not permitted to own property, issue driving licenses, join the civil service or work without permits.16 17 The fact that the decision was never published in the Official Gazette has resulted in many public entities and departments marginalising the card, and disregarding the obligation to grant Palestinian children of Jordanian mothers their rights.

Furthermore, Palestinian refugee children from Syria, whose mothers are Jordanian face additional discriminatory policies when applying and attempting to obtain the benefit card as the benefit card does not extend to children with no passports or whose fathers are stateless and holders of travel documentation obtained from other countries.18 This contravenes Jordan's obligations towards limiting children's statelessness and discriminatory policies towards them as in Article 2 of the Convention on the Rights of the Child: 'State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'19 In conclusion, while HRC Resolution 32/7 'calls upon States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation,'20 it could be concluded that the issuance of a Benefit Card falls short of being an effective remedy.

Chronic Poverty, Failing UNRWA Safety Net

The majority of Palestinian refugees in Jordan with no citizenship are poor, or extremely poor living below the poverty line of 814JD.21 This situation of chronic poverty is caused by the restrictive labour laws which contravene Jordan's obligations under the ICESCR and CERD both of which in Articles 6 and 5 respectively recognise the freedom to

12 Maher Shawabkeh. "Rights of Children of Jordanian Mothers from Foreign Fathers Are Still Restricted." *Al Hayat*, May 1, 2017. Accessed March 2, 2018. http://www.alhayat.com/Articles/21604888/حقوق-صغار-الأردنيات-من-الآباء-أجانب-لا-تزال-مقوصة.

13 Ibid

14 Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners." Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners - Jordan Vista. November 4, 2014. Accessed March 4, 2018. http://www.vista.sahafi.jo/art.php?id=65dcc35987d5f466ab6bb972120987660 0ea8f7a

15 Ibid | *Submission by Equality Now, SIGI, My Mother Is Jordanian and Her Nationality Is a Right to Me, Equal Nationality Rights and AWO to the Committee on the Elimination of Discrimination against Women*. January 22, 2017. Http://tbinternet.ohchr.org/Treaties/CEDAW/Shared Documents/JOR/INT_CEDAW_NGO_JOR_26323_E.pdf. | *CEDAW Shadow Report*. January 2017. Submitted by Arab Women Organization (AWO) Mosawa Network, Http://tbinternet.ohchr.org/Treaties/CEDAW/Shared Documents/JOR/INT_CEDAW_NGO_JOR_26477_E.pdf.

16 Based on a number of interviews with Palestinian refugees children of Jordanian women conducted by the PRC team.

17 I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

18 PRC interview and correspondence with a Jordanian mother whose children are Palestinian refugees from Syria.

19 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html [accessed 20 May 2018]

20 UN Human Rights Council, *The right to a nationality: women's equal nationality rights in law and in practice : resolution / adopted by the Human Rights Council*, 18 July 2016, A/HRC/RES/32/7, available at: http://www.refworld.org/docid/57e910044.html [accessed 18 May 2018]

21 "Jerash Camp." UNRWA. Accessed January 20, 2018. https://www.unrwa.org/where-we-work/jordan/jerash-camp.

choose employment and right to work, without distinction as to race, colour, or national or ethnic origin.2223 Palestinians without citizenship are restricted from 19 professions in addition to being unable to join any formal profession requiring syndicate membership or work in the private sector wherein proof of nationality and clearance from the General Intelligence Department are pre-requisites to employment. The majority of these refugees thus become dependent on donations received from NGOs and other funds operating in Jordan, as well as UNRWA's Social Safety Net Programme. This programme targets the 'abject poor' which includes an e-ration card with 10JDs per person and cash assistance of 10 JDs per person delivered on a quarterly basis. The eligibility criteria specify that an individual must be unable to work due to a health condition that renders him 85% unable as measured by medical centres. Firstly, this meagre quarterly aid provided is insufficient for refugees, most of who live on less than $1.25 a day.24 Secondly, many poor but working Palestinian refugees, or those whose medical assessments do not render them 85% unable to work are excluded from receiving this support. With the Jordanian government's decision to lift subsidies off general food commodities and in turn expand the social assistance provided to poor Jordanians, the unchanging UNRWA support leaves Palestinian refugees alone to cope with basic sustenance they cannot afford. UNRWA is thus urged to reconsider the targeting criteria implemented and review the amount of cash distributed taking into account inflation.

Conclusion

The enforced statelessness on Palestinian refugees born to Jordanian mothers, and the discriminatory policies restricting the employment opportunities for Palestinian refugees with no national IDs perpetuate a situation of a chronic poverty amongst the community. Consequently, the Palestine Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Demand the Jordanian government to comply with the treaties it has ratified including the ICCPR, ICESR, CERD, and CAT as compliance would ensure stronger protection of the human rights of Palestinian refugees with no national ID number.
- Take strong measures to ensure Jordan's compliance with its obligations on non-discriminatory nationality law in accordance with CEDAW and CERD and in line with the HRC's past resolutions 'The Right to a Nationality – Women and Children' ' and 'The Right to a Nationality – Women's Equal Nationality Rights in Law and Practice.'
- Urge Jordan to apply the benefits accorded by the Children of Jordanian Mothers Benefit Card uniformly and without distinction as to the legal status or nationality or lack thereof of the father till such a time as the nationality law is amended.
- Support Jordan's efforts towards the Palestinian refugee community and encourage the discontinuation of its discriminatory employment policies when it comes to the Palestinian population lacking citizenship
- Finally, urgently aid UNRWA in Jordan in order aid the organisation in continuing and expanding its assistance and services to the beneficiary community.
- Pressure Israel to recognize and implement Palestinian refugees right of return as stipulated in UN resolution 194

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22 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html

23 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: http://www.refworld.org/docid/3ae6b3940.html

24 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017. P, 8.
https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.